

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

~~OAKLAND DIVISION~~

11	UNITED STATES OF AMERICA,	)	No. CR 05-00611 WHA
12	Plaintiff,	)	<del>[PROPOSED]</del> ORDER AS TO
13	v.	)	COMPETENCY HEARING, <i>FARETTA</i>
14	DALE SCOTT HEINEMAN,	)	HEARING, SPEEDY TRIAL ACT, AND
15	KURT F. JOHNSON,	)	RELATED MATTERS
16	THE DOREAN GROUP,	)	<del>OAKLAND VENUE</del>
17	WILLIAM JULIAN,	)	
18	FARREL J. LECOMPT, JR.,	)	
19	SARA J. MAGOON a/k/a Credence, and	)	
20	CHARLES DEWEY TOBIAS,	)	
21	Defendants.	)	

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21       Based upon the record made at the parties' appearance before this Court on May 9,  
22 2006, IT IS HEREBY ORDERED that:

23       (1) a hearing pursuant to 18 U.S.C. § 4241(c) will be held on May 11, 2006 at 2:30 p.m.  
24 for James Misset, M.D.'s testimony regarding his reports provided to the Court pursuant to 18  
25 U.S.C. § 4247(c) as to the competency of defendants Heineman and Johnson, respectively;

26       (2) the *Farett*a hearing as to defendants Heineman and Johnson is continued to May 11,  
27 2006 at 2:30 p.m., if defendants Heineman and Johnson are each found competent by a

28 ~~[PROPOSED]~~ ORDER

1 preponderance of the evidence pursuant to 18 U.S.C. § 4241(d);

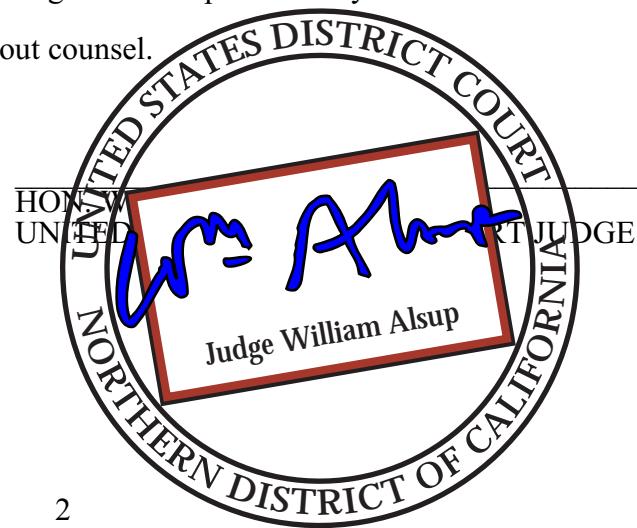
2 (3) defendants LeCompte and Tobias, and their respective counsel, are excused from the  
3 foregoing May 11, 2006 proceedings before this Court;

4 (4) the parties are scheduled to appear before this Court on June 13, 2006 at 2:00 p.m. for  
5 setting of motions schedule; and

6 (5) the time from May 9, 2006 to June 13, 2006 is excluded from the time within which  
7 trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on grounds of: (a) the  
8 need for effective preparation by counsel pursuant to 18 U.S.C. § 3161(h)(8)(b)(iv), taking into  
9 account the exercise of due diligence, to review tens of thousands of pages of discovery produced  
10 in electronic format; (b) a pending hearing under 18 U.S.C. § 4241(c) to determine the mental  
11 competency or physical capacity of defendants Heineman and Johnson, respectively, pursuant to  
12 18 U.S.C. § 3161(h)(1)(A); (c) continuity of counsel, given that counsel for defendant LeCompte  
13 is unavailable the week of June 5, 2006; (d) the complexity of this case, wherein a 68-count  
14 indictment has been returned charging seven defendants with, *inter alia*, mail fraud, bank fraud,  
15 and conspiracy to commit mail fraud, wire fraud and bank fraud violations and more than  
16 100,000 pages of discovery have been produced; and (e) the ends of justice are served and  
17 outweigh the best interest of the public and the defendants in a speedy trial by excluding this  
18 period of time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A), for the reasons  
19 set forth above and for the continued *Faretta* hearing as to defendants Heineman and Johnson to  
20 determine whether they each understand their rights to be represented by counsel in this criminal  
21 proceeding and the risks of proceeding without counsel.

22 IT IS SO ORDERED.

23 Dated: May 11, 2006



28 [PROPOSED] ORDER